

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BARBARA KEILER, MONA GAY THOMAS,
and LINDA BARRETT, on behalf of
themselves and all others similarly situated,

Plaintiffs,

12 Civ. 5558 (WHP)

v.

HARLEQUIN ENTERPRISES LIMITED, a
Canadian corporation; HARLEQUIN BOOKS
S.A., a Swiss company; and HARLEQUIN
ENTERPRISES B.V., A Dutch company,

Defendants.

**AFFIDAVIT REGARDING (A) MAILING OF THE
NOTICE; (B) WEBSITE AND TELEPHONE HELPLINE; AND
(C) REPORT ON REQUESTS FOR EXCLUSIONS RECEIVED TO DATE**

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss.:

JOSE C. FRAGA, being duly sworn, deposes and says:

1. I am a Senior Director of Operations for Garden City Group, LLC (“GCG”) located at 1985 Marcus Avenue, Suite 200, Lake Success, New York 11042. Pursuant to this Court’s Order Preliminarily Approving Proposed Settlement, Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to the Class dated April 5, 2016 (the “Preliminary Approval Order”), GCG was authorized to act as the Settlement Administrator in connection with the settlement of the above-captioned action (the “Action”).

MAILING OF THE NOTICE

2. Pursuant to the Preliminary Approval Order, GCG disseminated the Notice to potential Class Members.¹ A copy of the Notice is attached hereto as Exhibit A.

¹ Capitalized terms used and not otherwise defined herein shall have the meaning given to them in the Class Action Settlement Agreement, dated March 11, 2016 (the “Agreement”).

3. On or about April 14, 2016, GCG received from Class Counsel the unique names and mailing addresses and/or email addresses of 1,175 potential Class Members. GCG then loaded these 1,175 records into a database that GCG created and maintains for the purposes of administering this Settlement (the "Settlement Database").

4. On April 20, 2016, GCG sent the Notice via email to 912 potential Class Members for whom email addresses were provided. GCG also mailed by first-class mail, postage prepaid, a Notice to 263 potential Class Members for whom email addresses were not provided.

5. On or about May 25, 2016, GCG received from Class Counsel the names and mailing addresses of 3 additional potential Class Members. GCG loaded these 3 records into the Settlement Database and on June 3, 2016, GCG mailed by first-class mail, postage prepared, a Notice to these 3 potential Class Members.

6. In the aggregate, to date, GCG mailed by first-class mail, postage prepaid, or emailed 1,279 Notices to potential Class Members. This number includes 86 emailed Notices that were returned as undeliverable and to which Notices were subsequently mailed to potential Class Members and 15 previously mailed Notices that were remailed to updated addresses provided by the U.S. Postal Service.

7. Individual Notice was sent to all potential Class Members identified with the following exception. In two instances an author pseudonym was associated with two royalty co-recipients, but Harlequin provided contact information only for one co-recipient and, therefore, notice was only sent to one of the co-recipients in those two instances.


WEBSITE AND TELEPHONE HELPLINE

8. In coordination with Class Counsel, GCG designed, implemented, and maintains a website dedicated to this Action. The Settlement website is located at

www.harlequinsettlement.com. The homepage of the Settlement website contains a general overview of the Action. The Settlement website contains links to the Notice, Settlement Agreement, and Preliminary Approval Order. These links became accessible on April 20, 2016. The Settlement website is accessible 24 hours a day, seven days a week. Additionally, on May 5, 2016, a copy of Class Counsel's Application for an Award of Attorneys' Fees, Service Awards, and Reimbursement of Expenses, the Memorandum of Law in support thereof, and the Declarations of Michael J. Boni and David B. Wolf in support thereof were added to the Settlement website. Beginning on or about April 20, 2016, GCG established and continues to maintain a toll-free telephone number (1-800-231-1815). GCG also established an email address, info@harlequinsettlement.com, to allow potential Class Members to obtain information about the Settlement.


REQUESTS FOR EXCLUSION

9. The Notice informs potential Class Members that they may elect to exclude themselves from the Class. Written requests for exclusion must have been postmarked by June 6, 2016 and submitted to *Harlequin Class Action Settlement*, c/o GCG, P.O. Box 9349, Dublin, Ohio 43017-4249 or emailed by June 6, 2016 to info@harlequinsettlement.com. As of June 14, 2016, GCG has not received any requests for exclusion.



 Jose C. Fraga

Sworn to before me this
 15th day of June, 2016



 Notary Public

VANESSA M VIGILANTE
 Notary Public, State of New York
 No. 01VI6143817
 Qualified in Nassau County
 Commission Expires April 17, 2018